

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS.

JUL 24 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-02200

SEI : [REDACTED]

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

1. Her reassignment to HQ ARPC on 22 March 1997 due to the Weight Management Program (WMP) be rescinded.
2. The [REDACTED] ASTS commander and executive officer be removed from their duties.

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APPLICANT CONTENDS THAT:

Her request for a medical deferral from the WMP was inappropriately denied by the unit commander. She was discriminated against and her rights were denied. Policies/procedures were breached. The WMP at the [REDACTED] ASTS is very discriminatory and the WMP at the [REDACTED] AW is not properly or fairly administered. She provides examples and materials which she believes support her contention that others were treated differently in the WMP.

Her complete submission is at Exhibit A.

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STATEMENT OF FACTS:

An anonymous letter, dated 2 November 1996, was forwarded to the [REDACTED] AW Inspector General (IG), alleging the [REDACTED] ASTS WMP was not properly administered. Specific individuals were mentioned as being given preferential treatment. The [REDACTED] AW commander requested the [REDACTED] ASTS commander to investigate the letter's allegations. The [REDACTED] ASTS commander responded on 2 March 1996, concluding that the unit executive officer was not harassing members of the unit. (See Exhibit A)

Applicant's 17 March 1997 complaint to the IG was referred for appropriate action on 25 March 1997. On 9 June 1997, HQ ARPC/IG advised her that her allegations regarding her involuntary reassignment to HQ ARPC and her request for a medical deferral

from the WMP did not fall within its purview. She was also informed that she could file an IG complaint if there was evidence a specific right was denied or there was a breach of established policies or procedures. The IG also provided her a copy of a letter to them from the Director of Personnel, who indicated that there was no basis for canceling her involuntary reassignment action. (See Exhibit A)

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings. (See Exhibit C)

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AIR FORCE EVALUATION:

The Chief, Military Personnel Division, HQ AFRC/DPM, reviewed this appeal and states that the applicant was found to be 2% over her maximum body fat standard (BFS) on 2 November 1996. She was placed in the initial entry body fat loss period of the WMP and given until the 4 January 1997 Unit Training Assembly (UTA) to meet her BFS. She failed to show up for the January UTA and received an unexcused absence. Further, she did not attend the 1-2 February 1997 UTA, claiming she had a family crisis. Her commander advised her to attend the UTA on 8 February 1997. Upon her arrival, she was found to be over her BFS. At that time, she revealed she was taking three medications that may cause weight retention. She was advised to obtain medical documentation from her physician explaining the situation and given a deadline of 22 February 1997. When the requested medical documentation was not received within the requested time period, the commander proceeded with involuntary reassignment procedures. On 28 February 1997, she submitted medical documentation along with her request for a medical deferral. On 1 March 1997, the commander disapproved her request. The Chief states there is no evidence in the case to indicate the commander's actions were inappropriate. The unit commander is the approval/disapproval authority for medical deferrals. Therefore, denial is recommend.

A complete copy of the evaluation is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 20 October 1997 for review and comment within 30 days. On 22 October 1997, this office received a letter advising

that applicant had retained an attorney. As of this date, no response has been received by this office from either the applicant or her counsel.

The retaining letter is at Exhibit E.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that relief is warranted. Applicant's contentions are duly noted; however, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. We therefore agree with the recommendations of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. In view of the above and absent persuasive evidence to the contrary, we find no compelling basis to recommend granting the relief sought.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 2 Jun 1998 under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chair  
Mr. Joseph G. Diamond, Member  
Ms. Peggy E. Gordon, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 16 Jul 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFRC/DPM, dated 18 Sep 97.
- Exhibit D. Letter, AFBCMR, dated 20 Oct 97.
- Exhibit E. Letter, Counsel, 18 Oct 97.

A handwritten signature in black ink, appearing to read "Leroy T. Baseman", with a long horizontal flourish extending to the right.

LEROY T. BASEMAN  
Panel Chair